

The Honorable Richard A. Jones

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

ABDIQAFAR WAGAFE, *et al.*,

Plaintiffs,

v.

DONALD TRUMP, President of the United
States, *et al.*,

Defendants.

No. 2:17-cv-00094-RAJ

**STIPULATION FOR ORDER
REVISING CASE SCHEDULE;
ORDER THEREON**

WHEREAS the parties proposed a schedule for remaining pretrial elements of the case in the Joint Status Report filed on May 26, 2020, which included a proposed deadline to exchange final expert reports and a proposed deadline to complete all depositions by September 2, 2020 (Dkt. No. 359); and

WHEREAS the parties have been working diligently to complete depositions within that agreed schedule, but despite those efforts, and due to recent case developments, the parties need additional time to complete potential supplements to expert reports and to take remaining depositions; and

WHEREAS the Court has directed the parties to meet and confer, and file a joint submission regarding any proposed changes to the case schedule set forth in the May 26 Joint Status Report (Dkt. No. 411); and

1 WHEREAS the parties have met and conferred and jointly believe there is good cause for
2 a modification of the case schedule, set out below, because of the necessities of the case,

3
4 NOW THEREFORE the parties through their respective counsel of record
5 stipulate and agree that the Court may make and enter the following order:

6 The case schedule stipulated by the parties on May 26, 2020 (Dkt. #359), shall be
7 modified as follows:

8 (1) Plaintiffs' Rule 30(b)(6) deposition of USCIS took place on August 31, 2020 and
9 September 3, 2020. Given that the content of the Rule 30(b)(6) deposition may
10 impact their respective reports, Plaintiffs' expert Mr. Kruskol and Defendants' expert
11 Dr. Siskin may submit additional reports, first by Mr. Kruskol and then by Dr. Siskin,
12 and the parties may conduct depositions of Mr. Kruskol (or an alternate witness) and
13 Dr. Siskin, after the Rule 30(b)(6) deposition pursuant to an agreed-upon schedule
14 between the parties;

15 (2) All other discovery (except for a potential deposition of Mr. Ostadhassan), including
16 the four additional depositions allowed by the Court's Order on the Motion to
17 Exclude (Dkt. No. 410), must be complete by October 7, 2020;¹ and
18
19
20

21
22 ¹ One of the witnesses identified in Defendants' Fifth Supplemental Initial Disclosures is not
23 available through October 7 because of scheduled maternity leave; and Defendants have not yet
confirmed the availability of one other witness between now and October 7. Should Plaintiffs
wish to depose any witness who is not available for a deposition on or before October 7, the
parties agree that such depositions will take place as soon as practicable after October 7, and this
will not affect the other deadlines proposed in this filing.

(3) The filing deadline for dispositive motions is November 19, 2020, except that Defendants shall be permitted to file a cross-motion for summary judgment on or before December 21, 2020. The parties currently anticipate there could be several issues raised on motions for summary judgment or partial summary judgment, and therefore have agreed to an extended briefing schedule for such motions, with all such summary judgment motions to be noted for February 12, 2021:

- Plaintiffs' motion for summary judgment—November 19, 2020
- Defendants' cross-motion and opposition—December 21, 2020
- Plaintiffs' opposition and reply—January 27, 2021
- Defendants' reply—February 8, 2021

The parties have conferred about but have not yet to reached agreement on a proposal for page limits for summary judgment briefing. Any other motions due to be filed by the deadline for dispositive motions under the Local Rules, shall be filed by the above-stated November 19 deadline and briefed on the schedule set forth in the Local Rules.

Counsel for Defendants have indicated that Defendants may seek leave for additional depositions, beyond the limit of ten, to depose all, or some number of, six notice responders once Plaintiffs identify which of those six individuals Plaintiffs are continuing to pursue as potential trial witnesses. The parties previously agreed that Plaintiffs would have until September 14, 2020 to provide this additional information. Thus, if Defendants intend to proceed with a motion, Defendants intend to file the motion thereafter, by September 17, 2020. Plaintiffs oppose this request for additional depositions. The parties recognize that if such a motion is filed and granted, the case schedule may need to be altered again.

SO STIPULATED

DATED: September 4, 2020

ETHAN P. DAVIS
Acting Assistant Attorney General
Civil Division
U.S. Department of Justice

ANDREW C. BRINKMAN
Senior Counsel for National Security
Office of Immigration Litigation

AUGUST FLENTJE
Special Counsel
Civil Division

LINDSAY M. MURPHY
Senior Counsel for National Security
Office of Immigration Litigation

ETHAN B. KANTER
Chief, National Security Unit
Office of Immigration Litigation
Civil Division

W. MANNING EVANS
Senior Litigation Counsel
Office of Immigration Litigation

BRIAN T. MORAN
United States Attorney

BRENDAN T. MOORE
Trial Attorney
Office of Immigration Litigation

BRIAN C. KIPNIS
Assistant United States Attorney
Western District of Washington

JESSE L. BUSEN
Trial Attorney
Office of Immigration Litigation

LEON B. TARANTO
Trial Attorney
Torts Branch

MICHELLE R. SLACK
Trial Attorney
Office of Immigration Litigation

ANTONIA KONKOLY
Trial Attorney
Federal Programs Branch

/s/ Victoria M. Braga
VICTORIA M. BRAGA
Trial Attorney
Office of Immigration Litigation
Civil Division, U.S. Department of Justice

Counsel for Defendants

SO STIPULATED

DATED: September 4, 2020

s/ Jennifer Pasquarella
Jennifer Pasquarella (admitted pro hac vice)
ACLU Foundation of Southern California
1313 W. 8th Street
Los Angeles, CA 90017
Telephone: (213) 977-5236
jpasquarella@aclusocal.org

s/ Matt Adams
Matt Adams #28287
Northwest Immigrant Rights Project
615 Second Ave., Ste. 400
Seattle, WA 98122
Telephone: (206) 957-8611
matt@nwirp.org

s/ Stacy Tolchin
Stacy Tolchin (admitted pro hac vice)
Law Offices of Stacy Tolchin
634 S. Spring St. Suite 500A
Los Angeles, CA 90014
Telephone: (213) 622-7450
Stacy@tolchinimmigration.com

s/ Hugh Handeyside
s/ Lee Gelernt
s/ Hina Shamsi
Hugh Handeyside #39792
Lee Gelernt (admitted pro hac vice)
Hina Shamsi (admitted pro hac vice)
American Civil Liberties Union Foundation
125 Broad Street
New York, NY 10004
Telephone: (212) 549-2616
lgelernt@aclu.org
hhandeyside@aclu.org
hshamsi@aclu.org

s/ Sameer Ahmed
Sameer Ahmed (admitted pro hac vice)
**Harvard Immigration and Refugee
Clinical Program**
Harvard Law School
6 Everett Street; Suite 3105
Cambridge, MA 02138
Telephone: (617) 495-0638
sahmed@law.harvard.edu

s/ Harry H. Schneider, Jr.
s/ Nicholas P. Gellert
s/ David A. Perez
s/ Heath L. Hyatt
s/ Paige L. Whidbee
Harry H. Schneider, Jr. #9404
Nicholas P. Gellert #18041
David A. Perez #43959
Heath L. Hyatt #54141
Paige L. Whidbee #55072
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206.359.8000
HSchneider@perkinscoie.com
NGellert@perkinscoie.com
DPerez@perkinscoie.com
HHyatt@perkinscoie.com
PWhidbee@perkinscoie.com

s/ Kristin Macleod-Ball
Kristin Macleod-Ball (admitted pro hac vice)
American Immigration Council
1318 Beacon Street, Suite 18
Brookline, MA 02446
Telephone: (857) 305-3600
kmacleod-ball@immcouncil.org

s/ John Midgley
s/ Molly Tack-Hooper
John Midgley #6511
Molly Tack-Hooper #56356
ACLU of Washington
P.O. Box 2728
Seattle, WA 98111
Telephone: (206) 624-2184
jmidgley@aclu-wa.org

Counsel for Plaintiffs

ORDER

IT IS SO ORDERED.

DATED: September __, 2020.

RICHARD A. JONES
United States District Judge